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List of issues in relation to the initial report of Indonesia

Addendum

Replies of Indonesia to the list of issues*

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I. General information

Question 1

1. With regards to cases in which the Covenant has been invoked and applied by courts, article 7 (2) Law No. 39 of 1999 on Human Rights stipulates that all international treaties (international human rights laws) ratified or acceded by Indonesia become part of Indonesian national law. In this regard, provisions of the Covenant, in principle, can be directly invoked or referred to by judges. There are several decisions of the Constitutional Court which made direct reference to provisions of the Covenant, among others are Decisions No. 058, 059, 060, 063/PUU-II/2004, and 008/PUU-III/2005 on Judicial Review of Law No. 7 of 2004 on Water Resources, made particular reference to article 12 (1) of the Covenant; No. 55/PUU-VIII/2010 on Judicial Review of Law No. 18 of 2004 on Plantation, made particular reference to article 11(1) of the Covenant; and No. 25, 30/PUU-VIII/2010 on Judicial Review of Law No. 4 of 2009 on Mineral and Coal Mining made general reference of the Covenant.

2. Due to the fact that most of the provisions of the Covenant are integrated in the Constitution and legislations as mentioned in paragraphs 4 to 5 of the initial report (E/C.12/IDN/1), application of provisions of the Covenant by courts could be made through reference of relevant national laws.

Question 2

3. In ensuring national laws are in compliance with the provisions of the Covenant, the Government has established sets of mechanisms on the basis of Indonesian Constitution; Law No. 39 of 1999 on Human Rights, article 7; Law No. 12 of 2011 on the Formulation of Laws and Regulations; Law No. 27 of 2009 on the People's Consultative Assembly, People's Representative Council, Regional Representative Council and Regional People's Representative Council; Ministry of Home Affairs Decree No. 21 of 2001 on the Drafting Technique and Substance of By-laws; Ministry of Home Affairs Decree No. 22 of 2001 on the Forms of Legislations by Local Governments; Ministry of Home Affairs Decree No. 24 of 2001 on the Local Government Gazette; and Joint Regulation between the Minister of Law and Human Rights and the Minister of Home Affairs No. 20 of 2012 and No. 77 of 2012 on Human Rights Parameter for By-Laws.

4. As part of preventive measures, the Government continues to enhance the capacity of legal drafters at the provincial and regency/city levels through regular trainings and has provided a Guidebook on "Understanding the Making of Local Regulations", which serves as a guideline for legal drafters at all local government levels to formulate by-laws which give emphasis to the principles of human rights, gender equality, and sustainable development. In addition, the Government has also published a book on "Parameters for Gender Equality in the Making of Legislations". This book provides guidance for analysis on gender equality perspectives in various policies, legislations, development programmes and other technical policies. Local implementing committees for the National Action Plan for Human Rights also play crucial roles in sensitizing human rights norms and principles, particularly for legal drafters at provincial and regency/city levels.

5. In addition, the National Legislation Development Body which was established by the Ministry of Law and Human Rights, has the duty to develop national legislations and to ensure that national legal system and instruments are consistent with the Constitution, Laws and international conventions to which Indonesia is a party, including the Covenant.

6. As part of corrective measures, there are three methods for by-laws review to ensure their conformity with national laws and Indonesia's commitment to the principles of human

rights: first, judicial review through the Supreme Court Law. The Supreme Court may accept, grant, or reject the petition after reviewing, among other, whether a by-law contradicts national laws or whether the making of a by-law was inconsistent with existing laws, including the Law on Accession to the Covenant; second, legislative review through the House of Representative or the Local House of Representative. The parliament may amend and annul by-laws in conflict with national laws; and third, executive review by the Ministry of Home Affairs on draft by-laws before enactment as well as on existing by-laws which may lead to recommendation of their revocation if they are considered inconsistent with national laws. Revocation of by-laws should be done through a Presidential Regulation. Provincial or regency/city governments may appeal to the Supreme Court should they have objections to such revocation. To support these efforts, starting this year, the Government has scheduled 27 inter-ministerial coordination meetings to review existing by-laws. Relevant civil societies have continuously participated and contributed to the review of by-laws.

7. To date, the Ministry of Home Affairs has reviewed around 3,000 by-laws in 2010, 9,000 by-laws in 2011, 3,000 by-laws in 2012, and 2,500 by-laws in 2013. Moreover, 407 recommendation letters were issued in 2010 and 351 recommendation letters in 2011. In 2012, 173 by-laws were annulled, while in 2013, 779 by-laws were registered for further review and 46 by-laws were annulled. It is important to note that most of those by-laws recommended to be revoked or cancelled were related to the economic, socio-cultural and development issues, such as by-laws on employment, tax, retribution, land, project permit, and foreign workers permit.

II. Issues relating to the general provisions of the Covenant (arts. 1–5)

Article 1, paragraph 2 – Free disposal of natural wealth and resources

Question 3

8. In regards to the protection of traditional entitlement to land, the Indonesian Constitution, particularly article 18b (2), stipulates that "the State recognizes and respects Masyarakat Hukum Adat (traditional community) along with their traditional customary rights as long as this remain in existence and in accordance with the societal development and the principles of the Unitary State of the Republic of Indonesia, and shall be regulated by law". Further, article 281 (3) provides recognition by the State to the culture identity and rights of Masyarakat Hukum Adat.

9. The rights of Masyarakat Hukum Adat is further elaborated in Law No. 39 of 1999 on Human Rights, specifically in article 6 which stipulates that the Government has the obligation to protect the rights of Masyarakat Hukum Adat including their cultural identity and traditional land rights. Article 9 (1) of the Law sets the foundation on the collective entitlement of land by Masyarakat Hukum Adat.

10. On the issue of official recognition of Masyarakat Hukum Adat customary land, the Basic Agrarian Law of 1960, article 2 (4), 3 and 5, recognizes and respects the Masyarakat Hukum Adat customary land, as long as it is in conformity with prevailing laws and regulations and national interest. Several criteria for such entitlement includes: an evident presence of the Masyarakat Hukum Adat, an evident attachment of Masyarakat Hukum Adat's livelihood to the communal land, and the presence of body of norms governing the use and management of the Masyarakat Hukum Adat communal land. The said criteria are reaffirmed in Law No. 41 of 1999 on Forestry.

11. In accordance with the Guidelines to Resolve Collective Rights on Masyarakat Hukum Adat Land Issues issued by the Head of Land Agency in 1999, the determination of a communal land rights belonging to a Masyarakat Hukum Adat land is decided through an inclusive process by a Special Team consisting of the representative from the local government, Masyarakat Hukum Adat expert, representative of the Masyarakat Hukum Adat whose land is being assessed, non-governmental organizations (NGOs) as well as representatives of related governmental ministries/institutions. The study of the Special Team serves as the basis for the issuance of by-law on recognition of the collective land right of the Masyarakat Hukum Adat, thereby strengthening the Masyarakat Hukum Adat's legal standing upon the land in the event of a dispute or land grabbing by other parties. Examples of by-laws that recognize Masyarakat Hukum Adat lands, among others Lebak Regency By-law on Baduy Masyarakat Hukum Adat; Nunukan Regency By-law; Kampar Regency By-law; Papua Province By-law; West Sumatra Province By-law, Central Kalimantan Province By-law on Kedamangan and Dayak Masyarakat Hukum Adat; Ternate By-law on Kesultanan Ternate Masyarakat Hukum Adat; Riau Province By-Law on Buluh Cina and Riau Malay Masyarakat Hukum Adat; Maluku Province By-Law on Nagai, Petuanan, Ratshap and Ohoi Masyarakat Hukum Adat; and Malinau Regency By-Law on Malinau Masyarakat Hukum Adat.

12. A recent development in the recognition and protection of Masyarakat Hukum Adat land is the Constitutional Court Decision No. 35/PUU-X/2012 on the Judicial Review of Law No. 41 of 1999 on Forestry. The Decision has specifically recognized Masyarakat Hukum Adat forest apart from State-owned forest.

13. With regard to protection of traditional land from incidents of land grabbing, in 2013, the Government initiated a Plan of Action involving 12 relevant Ministries/Institutions and the National Human Rights Commission (Komnas HAM). These relevant ministries and institutions are the Ministry of Home Affairs, Ministry of Forestry, Ministry of Environment, Ministry of Agriculture, Ministry of Justice and Human Rights, Ministry of Finance, Ministry of National Development and Planning, Ministry of Public Works, Ministry of Energy and Natural Resources, National Land Agency (BPN), and Geospatial Information Agency. This Plan of Action is an implementation of the Joint Agreement for the Acceleration in the Determination of Forest Regions through three main agendas: harmonization of regulation and policies, synchronization of technical procedures, and conflict resolution.

14. Disputes relating to Masyarakat Hukum Adat land can be reported to the Public Complaint Services of the Ministry of Law and Human Rights (Yankomas), BPN, and Komnas HAM. The Yankomas has followed up 99 reported cases in 2012 and 15 cases in 2013. While BPN, has handled 9 cases through mediation process and 4 cases resolved through the State Administrative Courts in 2010-2013. According to Komnas HAM, out of the 7,000 cases received by Komnas HAM in 2013, 2,331 cases are related to both private land and Masyarakat Hukum Adat land disputes.

Question 4

15. The principle of "Free and Prior Informed Consent" is an integral part of the Government's policy with regard to the use of lands for development projects. The principle requires mandatory inclusive consultations on equal footing between the community, the Government and business actors, including in approving the use and the benefit sharing of development projects involving communal lands owned by Masyarakat Hukum Adat.

16. The legal framework for ensuring the respect for such principle includes Law No. 41 of 1999 on Forestry; Law No. 32 of 2004 on Local Governance; Law No. 18 of 2004 on Plantations; Law No. 4 of 2009 on Mineral and Coal Mining; Law No. 6 of 2014 on Village

and Regulation of the Ministry of Agriculture No. 98/PERMENTAN/OT.140/9/2013 on the Guidelines in the Licensing of Plantation Business.

17. Development projects should contribute to the development of the local economy, infrastructure and sustainable use of natural resources and environmental protection. Presidential Decree No. 26 of 2010 provides mechanism for the transparency and accountability of national and sub-national government revenues from extractive industries by upholding the principles of social welfare, good governance, transparency, sustainable development and the involvement of various stake holders, including the Masyarakat Hukum Adat. Furthermore, in 2013, a Joint Understanding Agreement between the Ministry of Social Affairs, Ministry of Forestry, and BPN was initiated to empower Masyarakat Hukum Adat in remote areas (KAT) through settlement regulation within and outside the forest area. This Joint Understanding Agreement aims to ensure that development projects contributes to the welfare of KAT that are based on the principles of non-discrimination, respect of the local KAT values, and accommodates the active participation of KAT in the development process.

18. In the industrial sector, the Ministry of Industry together with the Ministry of Environment have issued regulations towards ensuring the implementation of the free and prior informed consent principle in regards to the issuance of business licenses. The Minister of Industry Regulation No. 41 of 2008 on the Issuance of Industrial Licensing and Minister of Environment Regulation No. 11 of 2006, stipulates that licenses shall only be issued when business actors have obtained: Building License from the respective local governments; Hazard License (Hinder Ordonantie/HO) – from the respective local government with the approval of the concerned community; Environmental Impact Analysis (AMDAL) and have provided the documentations regarding Efforts on Environmental Management (UKL) and Environmental Monitoring (UPL).

19. The Ministry of National Development Planning has issued Regulation No. 3 of 2012 on Guidelines in the Implementation of Cooperation between the Government and Business Entities in Providing Public Infrastructure that requires mandatory public consultations with all stakeholders including the local communities be held prior to the initiation of development projects.

20. Local governments also have roles in ensuring that the issuance of business licenses in development projects are in adherence to the prevailing laws and regulations, in which the interest of local communities are well represented.

Question 5

21. In order to ensure that development and extractive projects bring tangible benefits to communities, the Government has urged all business actors, specifically in the extractive industry, to uphold the principles of human rights, notably to respect the rights of the communities through the practice of good corporate governance. In 2004, the Government established the National Committee on the Governance Policy (KNKG), which provided the Code of Good Corporate Governance in Indonesia that mandates business actors to uphold the principle of transparency and accountability and to implement a sustainable programme of corporate social responsibility.

22. Further, in 2008 the Government under the Coordinating Ministry for People's Welfare has launched the Movement for Corporate Social Responsibility as an embodiment of the commitment by business actors in contributing to community development and environment. The Government believes that this movement not only provides positive multiplying effect in the attainment of a sustainable and good business climate, it also ensures that communities receive tangible benefits from the business activities and thus

contribute to the attainment of the Government's national development objectives of enhancing the quality of life and welfare of communities.

23. Legal frameworks which support the practice of corporate social responsibilities includes: Law No. 19 of 2003 on State-Owned Enterprise in lieu of Regulation of State Minister for State-Owned Enterprise No. Per-05/MBU/2007 on Partnership Programme of State-Owned Enterprises with Small Enterprises and Community Development Programmes; Law No. 32 of 2004 on Local Governance; Law No. 25 of 2007 on Investment; Law No. 40 of 2007 on Limited Company; Presidential Decree No. 26 of 2010 on Transparency of State Income and Local Government Income Acquired from Extractive Industries; Government Regulation No. 47 of 2012 on Corporate Social and Environmental Responsibility; Head of the Indonesia Capital Market and Financial Institution Supervisory Agency Decree No. 134/BL/2006 on the Obligation of Annual Reporting of Public Company Ministry of Agriculture Regulation No. 98/PERMENTAN/OT.140/9/2013 on Guidelines for the Issuance of Plantation License; and Law No. 4 of 2009 on Mineral and Coal Mining.

24. Should development projects or extractive industries activities cause negative impact on the communities' livelihood, they have multiple accesses to lodge their complaints. Apart from the Komnas HAM and the Ombudsman, the Government has established the Yankomas that are available in every province in Indonesia under the framework of the implementation of the National Action Plan on Human Rights.

25. An example in which the Government has taken measures to ensure that affected communities receive reparations is the case of Lapindo mudflow in Sidoarjo, East Java involving two oil and gas companies (PT Minarak Lapindo Jaya dan PT Lapindo Brantas). The Government has played an active role in the mediation and negotiations process for the determination of reparations. The Government has also issued Presidential Decrees regarding reparation payments in the amount of IDR 3.8 trillion in compensation to 4,129 victims from four villages in Sidoarjo: Siring, Jatirejo, Kedung Bendo and Renokenongo.

Article 2, paragraph 1 – Maximum available resources

Question 6

26. In planning the national development budget, the Government takes into account the challenges faced by underdeveloped provinces in the enjoyment of economic, social and cultural rights, and seeks to minimize the gap in development that is evident in several regions across Indonesia. Against this backdrop, the National Medium-Term Development Plan (RPJMN) of 2010-2014, provides greater attention to underdeveloped, outermost, and post-conflict regions (National Priority No. 10). This national priority is reflected in the Special Budget Allocation (DAK) of the National Income and Expenditure Budget Plan.

27. DAK are allocated for local governments to implement the Government's priority programmes such as infrastructure, housing, water and sanitation, and health by the respective technical ministries according to the needs of regions, especially those identified as underdeveloped regions. In order to achieve well-targeted programmes, these priority programmes are monitored and evaluated by the Ministry of Finance and the Coordinating Ministry for People' s Welfare.

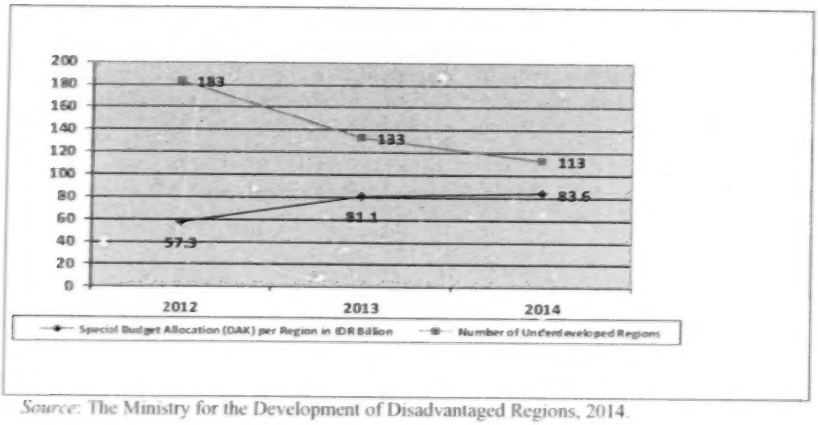
28. Criteria such as economic development; human resources, infrastructure, fiscal capacity; accessibilities to public services; and special characteristic of the region are used by the Government to identify underdeveloped regions. The Government, through Presidential Decree No. 10/2010, has determined 183 regencies that are categorized as underdeveloped regions to be reflected within the RPJMN of 2010-2014. These respective

regions are provided with additional DAK in the amount of IDR 57.3 billion in 2012, IDR 81.1 billion in 2013, and IDR 83.6 billion in 2014, used to stimulate their economy and progressively fulfil the economic, social and cultural rights of people in the said regions.

29. In order to accelerate development and alleviate these underdeveloped regions, the Government has specifically tasked the Ministry for the Development of Disadvantaged Regions to focus on the improvement of the economy, social, and monetary conditions of these regions through various programmes on infrastructure development, improvement of health services, education, and community economic empowerment. The Government has also established the National Agency for Border Management (BNPP) which has the duty to implement national strategy for development in border areas as enshrined in the RPJMN 2010-2014 through five main agenda: economic development and the improvement of people's welfare, the improvement of governmental management, the implementation of democracy, law and eradication of corruption, and the attainment of a fair and inclusive development.

30. In the beginning of 2014, the Ministry for the Development of Disadvantaged Regions announced that it has successfully exceeded its target by alleviating 70 underdeveloped Regencies from the targeted 50 underdeveloped Regencies as stated in the RPJMN of 2010-2014. Hence, the current number of underdeveloped regions has decreased to only 113 Regencies. The parameters to determine that an area is no longer underdeveloped are through the decrease in the level of poverty, the increase in the Human Development Index and the advancement in its health facilities.

Special Budget Allocation for Underdeveloped Region, 2012-2013



Source: The Ministry for the Development of Disadvantaged Regions, 2014.

Article 2, paragraph 2 – Non-discrimination

Question 7

31. As referred to in paragraphs 36 to 39 of the initial report (E/C.12/IDN/1), the Government has put in place a strong legal framework to provide guarantees for all individuals in its territory to enjoy non-discriminatory treatment in the fulfilment of their economic, social and cultural rights and puts emphasis in achieving "social justice for all". The Indonesian Constitution has provided a strong foundation for the protection of human rights, including the principle of non-discrimination on any ground. The Law on Human Rights provides a definition of discrimination and states that "every person has the right to the protection of human rights and fundamental freedoms, without discrimination".

32. The principles of human rights, non-discrimination and equality, as set out in various international human rights instruments ratified by Indonesia, have been integrated into a number of relevant national laws and regulations, such as laws on education, health, manpower, and other relevant legislations. To this effect, a number of administrative measures in various fields such as education, employment, housing and health were issued to prevent discrimination on any ground to take place.

33. One of the notable progresses of the implementation of non-discrimination principle is in the field of education. According to the National Socio-Economic Survey, in term of school participation, girls have excelled as compared to boys in all age groups. For example, in 2012, School Participation Rate of girls between 7-12 years old is 98.17%, higher than that of boys of 97.95%.

34. With regard to women and employment, equal rights and opportunity to all workers without discrimination is guaranteed by Law No. 13 of 2003 on Manpower. Moreover, Indonesia is also a State party to eight International Labour Organization (ILO) Core Conventions, including ILO Convention No. 100 (1951) concerning Equal Remuneration for Men and Women Workers for Work of Equal Value and ILO Convention No. 111 (1958) concerning Discrimination in respect of Employment and Occupation. The Presidential Regulation No. 8 of 1989 on Security of Salary and Wage also emphasized the principles of non-discrimination and equal remuneration for men and women workers for work of equal value. At operational level, the Ministry of Manpower and Transmigration has issued a "Non-discrimination Guideline in the Work Place Book" and provided training of trainees in pursuit to widely sensitize the principle of non-discrimination in the work place.

35. In the implementation on the right to housing, the principle of non-discrimination is upheld, as reflected in Law No. 1 of 2011 on Housing and Settlement Area, Law No. 20 of 2011 on Vertical Housing where it guarantees that every person has the right to obtain livelihood, shelter and healthy environment based on the principle of non-discrimination, justice and equality.

36. In the health sector, Law No. 44 of 2009 on Hospitals stipulates that equal and non-discriminatory treatment shall be provided for all patients. Furthermore, through Law No. 40 of 2004 on National Social Security System, the Government shall provide non discriminative social security, including health insurance, to every citizen. In particular, the Government covers the insurance premiums for the poor and those who cannot afford to pay.

37. In addressing the issue of discrimination based on gender, it is worth noting that according to a survey on Indonesia Democracy Index conducted by the United Nations Development Programme (UNDP), Central Statistics Agency (BPS), the Ministry of National Development Planning, and the Ministry of Home Affairs in 2009, the performance of Indonesia in implementing non-discriminatory policies is relatively satisfactory at around 88.92%. This percentage is obtained through measuring three indicators: written rules that are discriminatory on the grounds of gender, ethnicity or against vulnerable groups; actions taken or statements made by regional government officers/officials which are discriminatory on the grounds of gender, ethnicity or against vulnerable groups; threats of violence or use of violence by people for reasons associated with the gender or ethnicity of the victim and/or vulnerable groups.

38. Through the enactment of Law No. 40 of 2008 on the Elimination of Racial and Ethnic Discrimination, the Komnas HAM has the task to monitor efforts to eradicate all forms of racial and ethnic discrimination by means of supervision, fact-finding missions, assess relevant cases and provide recommendations to the central and provincial government on the issue of racial and ethnic discrimination, as recognized in Government

Regulation No. 56 of 2010 on Procedures for Supervising Efforts to Eliminate Racial and Ethnic Discrimination. In addition, the Government has also established the Presidential Working Unit for Supervision and Management of Development in order to supervise development that adheres to human rights principles, including the principle of non-discrimination.

39. The Government in collaboration with national human rights institutions, educational institutions, civil society organizations as well as international partners had been and will continue to carry out human rights education and trainings to members of the national and provincial/regency/city committees and public officials of relevant ministries/institutions on the implementation of National Action Plan on Human Rights. The human rights education and trainings are conducted to sensitize public officials and relevant stakeholders on issues of human rights including non-discrimination.

40. With regard to sanctions, any person or legal entity found to have performed acts of discrimination based on any reason shall be penalized according to the prevailing laws and regulations, notably as stipulated in articles 156 and 157 of the Penal Code and in lieu of Law No. 40 of 2008 on the Elimination of Racial Discrimination, article 15-25. Specifically, article 17 provides that restitution or remedies for victims by perpetrators shall be determined by the court. In a case of discrimination against a disabled person, in 2011, the Jakarta District Court ruled that the perpetrator of discrimination is obligated to provide the victim with restitution in the amount of IDR 25 million.

Question 8

41. Article 28 H (2) of the Indonesian Constitution provides strong legal basis for persons with disabilities individuals to claim reasonable accommodation with a view to achieving equality in the enjoyment of human rights, including the rights provided for in the Covenant. Law on Human Rights of 1999 also guarantees the rights of persons with disabilities to special treatment and facilitation. In addition, Indonesia ratified the Convention on the Rights of Persons with Disabilities in 2011 which gives responsibility to the Government to provide reasonable accommodation to people with disabilities. In this regard, revision of Law No. 4 of 1997 on Persons with Disabilities should elaborate article 28 H (2) of the Constitution and should be in full conformity with the Convention on the Rights of Persons with Disabilities.

Question 9

42. Ensuring accessibility for persons with disabilities is an integral part of the Indonesian national development priorities. This is ensured among others through Law No. 28 of 2002 on Buildings; Ministry of Public Works Regulation No. 30/PRT/M/2006 in the Technical Guidelines on Facilities and Accessibility in Buildings and the Environment; Ministry of Social Affairs Circular Note No. A/A164/VII/2002/MS dated 13 August 2002 on Facilities/Accessibilities for Persons with Disabilities in Public Buildings and Public Facilities; and Ministry of National Development Planning Circular Note No. 3064/M.PPN/05/2006 on the Development Planning which Provides Accessibility for Persons with Disabilities.

43. As a State party to the Convention on the Rights of Persons with Disabilities since 2011, Indonesia is determined to fulfil the rights of persons with disabilities and has made its utmost to the full implementation of all provisions thereof. The Government continues to undertake several programmes and further implement laws as well as policies to ensure accessibilities for persons with disabilities, be it physical and non-physical, including for public buildings, environment, education, job, and services.

44. On access to building and infrastructures, the Government is obliged to ensure that the elderly and persons with disabilities are provided with access in all public infrastructures through various laws and regulations, such as Law No. 28 of 2002 on Buildings; Law No. 20 of 2011 on Vertical Housing; Presidential Regulation No. 36 of 2005 on the Implementation of Law No. 28 of 2002 on Buildings; and Minister of Public Works Regulation No. 30/PRT/M/2006 in the Technical Guidelines on Facilities and Accessibility in Buildings and the Environment. At the Local Government level, the requirements to provide accessibility for persons with disabilities are provided in the respective by-laws concerning buildings and regulations on the issuance of building permits.

45. To date, all building regulations have all implicitly or explicitly included provisions requiring all developers or contractors for public infrastructure and facilities to provide accessibility for persons with physical limitations, which include persons with disabilities. From 2005 to 2012 the Ministry of Public Works has been implementing some pilot projects on the accessibility of public buildings and environment in 194 regencies/cities.

46. Accessibility for persons with physical limitations, including persons with disabilities, is also ensured through the mechanism of the issuance of building permit. Each design of buildings or public infrastructure and facilities proposed must obtain permit from the city planning office with requirements among others the accessibility for persons with disabilities, the elderly, and persons with other physical limitations. Government, in this regard, exercises control and monitoring over the construction of the building.

47. On access to transportation, the Government has issued various laws and regulations, among others: Law No. 23 of 2007 on the Railways; Law No. 17 of 2008 on Shipping; Law No. 1 of 2009 on Air Transport; Law No. 22 of 2009 on Traffic and Land Transportation; Minister of Transportation Regulation No. 31 of 2005 on the Implementation of National Standard (SNI 03-7049-2004) on Facility Design for Specific Users as a Compulsory Standard in Airports; Minister of Transportation Regulation No. 9 of 2011 on Minimum Service Standards for Railway Public Transportation; and Minister of Transportation Regulation No. 10 of 2012 on Minimum Service Standard for Mass Land Transportation.

48. These laws consist of provisions on special treatments such as accessibilities and facilities provided for persons with special needs, including persons with disabilities, the elderly, children, and pregnant women, such as: private elevator, ramp, guiding block, information (signs, symbols, and special markers for disability in transport services). National and private air carriers are also working to cater the needs of persons with disabilities. For example, Sriwijaya Air has issued flight guidance in Braille and trained cabin crew to provide services for persons with special needs. Garuda Indonesia has also provided special services for passengers with disabilities and training for employees to provide a correct and proper assistance for persons with disabilities.

49. On access to education, information and communication, several programmes/activities are implemented to support access to information for persons with disabilities, among others:

(a) Training and facilitation of IT devices for persons with disabilities, set-up by the Ministry of Communication and Information since 2008;

(b) Launching of Indonesia's own sign language (BISINDO);

(c) Launching of website for the hearing and visually impaired by PT Telkom in cooperation with groups of people with hearing and speech problems;

(d) Publishing books and magazines in Braille and/or digital talking book by Indonesia Braille Publishing House (*Balai Penerbitan Braille Indonesia*) which is managed by the Ministry of Social Affairs;

(e) Developing websites and on-line gaming software ("*Apong*") for the visually impaired;

(f) Holding Training of Trainers and computer literacy trainings for the visually impaired;

(g) Establishing on-line Braille library by the National Library in cooperation with *Yayasan Mitra Netra*;

(h) Developing and distributing MBC v.5 computer software to 200 disability associations;

(i) Supplying statistical data on disabilities through census, surveys and research that are conducted by the Ministry of Social Affairs, Ministry of National Development Planning (Bappenas), Ministry of Health and the Central Statistics Agency (BPS);

(j) Developing Centre for Information and Consultation pilot projects in some areas which provide information for persons with disabilities on social assistances, education, employment opportunities, internships and job skills.

Article 3 – Equal rights of men and women

Question 10

50. Indonesia's commitment in achieving gender equality and women's empowerment is translated within national policies and legislations such as the National Action Plan on Human Rights 2011-2014, the 2010-2015 Roadmap to Accelerate the Achievement of the Millennium Development Goals (MDGs) in Indonesia, and the National Medium-Term Development Plan 2010-2014.

51. To further implement gender equality in various fields of development, the Government has issued Presidential Instruction No. 9 of 2000 on Gender Mainstreaming in National Development. It mandates all ministries/institutions to integrate gender perspective on each stage of the development process, including the planning and budgeting stage. As a follow up, the Minister of Finance has issued Regulation No. 109 of 2009, No. 104 of 2010 and No. 93 of 2011 on the Guidelines for the Formulation of Gender Responsive Work Plan and Budget. Furthermore, 28 Ministries have established gender working group and focal points. At the local level, several provinces have issued by-laws on gender mainstreaming as well as gender responsive budgeting. These legislations and roadmaps provide concrete steps, clear time frame and targets for the attainment of gender equality in Indonesia.

52. To instil gender equality and in order to eliminate gender-based stereotype, early awareness-raising programme on gender equality is essential. Therefore, gender equality issues are taught in primary and secondary schools, including gender roles and violence against women, as part of subjects such as civic and character building, health, biology, sports, and religions. The Government also develops gender responsive teaching and learning materials including types of profession that can be pursued by women in the male dominated field of work, such as engineering, science, army, construction, mining, etc. The Government also continues to remove gender-biased and stereotyped roles of women and men within the learning materials.

53. Meanwhile, in the health sector, the Ministry of Health has issued a joint agreement with the State Minister of Women's Empowerment and Child Protection to implement

gender mainstreaming in the health sector through Letter of Joint Agreement No. 07/MEN.PP&PA/5/2010 and No. 593/MENKES/SKB/V/2010 on 12 May 2010.

54. On the issue of discriminative by-laws that is seen as an impediment to achieve gender equality, the Government has published the fifth edition of a practical guidebook of "Understanding the Making of Local Regulations" in November 2011, serving as a guideline for legal drafters at provincial and regency/city levels in formulating by-laws according to Law No. 12 of 2011, which also emphasize the principles of human rights, gender equality, and sustainable development.

55. In addition, the Ministry of Women's Empowerment and Child Protection, Ministry of Law and Human Rights and Ministry of Home Affairs published "Parameters for Gender Equality in the Making of Legislations" book in 2011. It serves as guidance for analysis on gender equality perspectives in various policies, legislations, development programmes and other technical policies.

III. Issues relating to the specific provisions of the Covenant (arts. 6–15)

Article 6 – The right to work

Question 11

56. The National Medium Term Development Plan of 2004-2009 had established four economic development strategies, which are pro-growth, pro-jobs, pro-poor, and pro-environment. Through the pro-growth strategy, progress has been made to achieve growth with equity in line with the economic acceleration, as indicated by the increased of job opportunities which give hopes to Indonesian families to cope with poverty as well as to strengthen the economy in times of crisis. The main target of the National Medium Term Development Plan of 2010-2014 is to decrease open unemployment percentage to 5-6% by the end of 2014.

57. In order to regulate the labour supply and appropriate job placement, the Government has enacted the Presidential Decree No. 4 of 1980 on Mandatory Job Report. This Decree regulates that private companies, both in headquarters or local branches, are obliged to submit written report of job vacancies to the Ministry of Manpower and Transmigration. Such reports should include information on the number of required labour and position based on sex, age, education, skill/expertise, experience and other necessary requirements.

58. In order to facilitate unemployed person to identify and find available employment, the Ministry of Manpower and Transmigration has enacted Regulation No. 07/MEN/III/2008 on Employment and established an on-line labour market information system (which can be accessed at www.infokerja.depnakertrans.go.id) and on-line employment services in 33 provinces and 456 regencies/cities. Furthermore, the Ministry also conducts Special Employment Training in universities, vocational schools, and training institutions. Job fairs are also regularly conducted at national level in Jakarta International EXPO (JIEXPO) and in 20 other provinces.

59. With regard to the improvement of the labour market information system based on ISO 9001 of 2008, the Ministry established 7 pilot projects, in Sleman (Yogyakarta), Bogor (West Java), Pasuruan (Central Java), Pati (East Java), Padang (West Sumatera), Langkat (North Sumatera), and Makassar (South Sulawesi). Moreover, the Ministry has initiated employment services in several pilot projects, such as in Batam, Bekasi, and Semarang, to

be further developed in East Java, Central Java, East Kalimantan, South Sulawesi, and Yogyakarta.

60. The above measures have successfully assisted job seekers, including unemployed persons to obtain employment, as stated in the data below:

Year	*Job Seeker*	*Vacancy*	*Placement*	*Percentage of Job Seeker that obtain Employment*	*Percentage of Filled Vacancy*
1st Semester 2012	1,299,377	628,603	365,947	28.16%	58.21%
2nd Semester 2012	615,539	364,246	312,813	50.82%	85.88%
1st Semester 2013	1,051,944	612,699	409,052	38.88%	66.76%

Source: The Ministry of Manpower and Transmigration, 2013.

Question 12

61. With regard to policies and programmes to create job opportunities in underdeveloped regions, the Ministry for the Development of Disadvantaged Regions has established Regency Leading Commodities Programme (Program Unggulan Kabupaten) to develop zone for economic growth that create approximately 100,000 employments in the entire commodity supply chains and utilize 7 acres of wasteland during 2011-2013. This programme is conducted through public-private partnership.

62. Gender mainstreaming is one of the strategies used in realizing goals in the labour sector. The Government has launched several programmes aimed at improving the economic and social status of women. One of the programmes is the Empowerment of Women as Contributors to the Local Economy Programme (P3EL), focusing in the enhancement of knowledge, skills and capabilities of women in managing their productive economic enterprises. To date, this programme is implemented in 5 provinces, namely West Kalimantan, South Sulawesi, West Nusa Tenggara, East Java and South Sumatera. The Government has also revitalized the implementation of Integrated Programme for the Enhancement of Women's Role to Attain a Healthy and Prosperous Family (P2WKSS) in 28 provinces that are intended to improve women's role in improving the well-being of their family.

63. Another successful programme is the Independent and Progressive Indonesian Women Village (Desa PRIMA) which provides advocacy and training in practical skills for women in order to boost their economic status. In 2012, 183 villages in 147 regencies/cities in 32 provinces had implemented the project.

64. Furthermore, considering that there are a lot of women working in the informal sector, the Government has provided wider access to financial assistance for women entrepreneurs through various financial capital sources, such as credit in Government-subsidized micro finance (KUR), fund management institutions (LDPB), community savings and loan groups or cooperatives, and micro finance institutions. These women are also provided greater opportunities to access both domestic and international markets through various exhibitions and encouraging the use of information and communication technology (ICT).

65. Micro entrepreneurs, including women, also receive capacity building programmes in the field of financial management, investment, and entrepreneurship trainings. Promoting women to achieve higher position in their careers are also carried out continuously through trainings on leadership and various programmes. Several competitions on women entrepreneurship have been conducted by the Government in cooperation with private sectors, including women's media groups.

66. In order to improve the economy and empower the community in villages or other less developed regions, since 2012, the Government has implemented a pilot project to improve home industry in Kendal Regency, Central Java. Kendal is chosen due to the fact that it is also well-known for having numerous micro, small, and medium enterprises.

67. Since 2012, in partnership with Plan Indonesia, the Government has implemented "Young Women's Economic Empowerment" programme which supports gender equality and youth access to decent employment. This project is conducted in Jakarta and East Nusa Tenggara from February 2013 until January 2016. It provides opportunities for participants to be deployed in 2,000 companies under the coordination of Indonesia Employers Association (APINDO), which targets 3,000 female youths and 6,000 community members.

68. The Ministry of Manpower and Transmigration has created job opportunities for young workers through the following programmes: 1) Productive and infrastructure labour-intensive programme by developing agricultural sector; 2) Application of effective technology to process local natural resources, 3) Entrepreneur programme for diploma graduates 4) Professionals entrepreneur programme for bachelor graduates, 5) Volunteer employment for bachelor graduates in social community business group mentoring, and 6) Subsidy programme for youth. In this regard, the Ministry of Manpower and Transmigration has conducted entrepreneurship programmes such as mushroom and aloe-vera cultivation, beauty parlour training, motorcycle reparation, electrical installation, home-cooking industries, and brick-making in several regions including North Sulawesi, Jambi, Gorontalo, Central Java, Bangka Belitung, Bali, West Kalimantan, and East Java.

69. Another programme launched by the Ministry of Youth and Sport Affairs is the Rural Development Motivator Programme (Program Sarjana Penggerak Pembangunan di Perdesaan), targeting bachelor graduates to be actively involved in boosting development in rural areas. The programme is aimed to promote leadership, self-reliance, and pioneering young graduates. It is a model for poverty alleviation programme in rural areas involving young graduates. This programme was established in 1989 in order to address the issue of the high unemployment rate in rural areas where many young graduates left their village to urban areas to find employments.

70. With regards to persons with disabilities, Indonesia is in the process of harmonizing various national legislations, policies and pro-disability programmes, including one percent hiring quota as mandated by Law No. 4 of 1997 on Persons with Disabilities, vocational trainings for persons with disabilities and their placement to companies. A Memorandum of Understanding (MoU) between the Ministry of Manpower and Transmigration and APINDO with regard to vocational trainings for persons with disabilities was signed in 2013. As a result, 1,140 persons with disabilities from the total of 1,635 (70%) who participated in the trainings were absorbed in the work force. Furthermore, the Ministry of Manpower and Transmigration also implemented entrepreneurship programmes for the elderly and person with disabilities such as home-cooking industry, sewing, tire repair, and embroidery in several regencies/cities such as Sleman, Purbalingga, Ungaran, Sragen, Ciamis, Ternate and Salatiga.

71. The Government also established Productive Economic Enterprises (UEP) a programme directed to assist the elderly and persons with disabilities. In 2005-2013, 68,634 elderly people have received IDR 1.5 million per person under the UEP programme. This programme continues to further empower potential elderly persons based on their interests and talents as well as the economic potential of the community for a more sustainable economic enterprise.

72. The Ministry for Women's Empowerment and Child Protection has issued Ministerial Regulation No. 23 of 2010 and No. 7 of 2012 on General Guideline and Standard Operating Procedure for Information and Consultation Centre for Women with

Disabilities. Both legislations aim to support regions in establishing institutions that could provide information and counselling for persons with disabilities, particularly women. Services offered include information on employment, occupational counselling, training and internship, placement and protection for workers, and social assistance.

Question 13

73. In regards to efforts to convert "work force surplus" from the informal sector to the formal sector, the Ministry of Manpower and Transmigration has taken several measures, which include: 1) strengthening and developing business for young entrepreneurs, 2) improving knowledge and skills of informal workers, 3) facilitating access to institutions dealing with capital loan, technology and marketing, 4) empower young entrepreneurs to expand employment opportunities as mandated in Government Regulation No. 33 of 2013 through coordination with relevant stakeholders.

74. Furthermore, the Ministry also promoted skill and competence of labour force through these following programmes: 1) development of employment competency standard through the establishment of 234 Indonesian National Standard of Working Competence in 9 sectors; establishment of 477 competence job training programmes; and the formulation of 659 job training manuals; 2) revitalization of vocational training through the establishment of Vocational Training Centres (BLK) under several technical ministries, including the Ministry of Industry, Ministry of Education and Culture, Ministry of Health, and Ministry of Manpower and Transmigration. To support the programme, the Government has increased the number of BLK in 34 provinces from 289 in 2010 to 457 BLK in 2012; 3) establishment of competency-based training and apprenticeship through Professional Certification Agencies where 24,708 certificates have been issued in 2012.

75. The Government has also established a special one-stop service called the "kios-3-in-1" to facilitate informal workers, including unemployed persons, to identify and find available employment. Kios 3-in-1 also provides information on skill training in vocational training centres, certification of competency tests, and job placement for unemployed persons. This service can be accessed through the following website: http://www.kios3in1.net/. It has provided 56 vocational training centres throughout Indonesia. Free vocational trainings include trainings in the field of mechanics, automotive, fabrication, building construction, industry electricity, industry electronic, information technology, business administration and foreign languages.

76. The above efforts have successfully transformed the surplus of workers in the informal sector to the formal sector as stated on the data below. The data shows that workers in the informal sector have steadily decreased from 63.96% in 2011, 61.42% in 2012, and down to 59.8% in 2013. At the same time, the Government has successfully increased workers in the formal sector from 36.04% in 2011, 38.58% in 2012 up to 40.2% in 2013.

Population aged 15 years and above Working in the field of Formal and Informal Sector

	2011		*2012*		*2013*	
Activity	*Feb*	*Aug*	*Feb*	*Aug*	*Feb*	*Aug*
Work Force (in million)	111.3	109.7	112.8	110.8	114.0	110.8
(%)	100.00	100.00	100.00	100.00	100.00	100.00
Formal (in million)	38.1	41.5	42.1	44.2	45.6	44.8
(%)	34.24	37.83	37.29	39.86	39.98	40.42
Informal (in million)	73.2	68.2	70.7	66.6	68.4	66.0
(%)	65.76	62.17	62.71	60.14	60.02	59.58

Source: BPS, 2013.

Article 7 – The right to just and favourable conditions of work

Question 14

77. In regards to the application of the principle of equal remuneration for work of equal value, various legislations, policies and programmes are implemented to improve women's capacity as well as to remove barriers for women to contribute to the economy. Law No. 80 of 1957 on Equal Remuneration, Law No. 21 of 1999 on Discrimination in Employment and Occupation, and Law No. 13 of 2003 on Manpower provides legal framework for ensuring equal rights between men and woman in the work place.

78. The right to employment as well as fair and appropriate remuneration and treatment in employment relationship are protected under article 28D (2) of the Indonesian Constitution. Equal rights and opportunity to all workers without discrimination are guaranteed by Law No. 13 of 2003 on Manpower. This Law reflects the Government obligations in the promotion and protection of workers pursuant to ILO Convention No. 100 (1951) concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, to which Indonesia is a party. The Government Regulation No. 8 of 1981 on Wage Protection further emphasizes the principles of non-discrimination and equal remuneration for men and women workers for work of equal value.

79. Based on the above legislations, the value or remuneration of any profession is generally based on the level of skill, educational background and other qualifications needed to carry out the work and should not be based any discriminative pretence such as sex. There is a standard for minimum salary equal for men and women employees, including for jobs associated with women, such as nurse and teacher as mandated in the Law No. 13 of 2003 articles 88-98 and the Minister of Manpower and Transmigration Regulation No. 7 of 2013, governing the minimum salary, which further enunciate the principle of equal pay for equal work.

80. In the implementation of the above regulations, the Ministry of Manpower and Transmigration has issued the Guidebook on Gender Neutrality in Equal Pay for Equal Work in 2012. The Government has also established a Tripartite Task Force for Equality in the Workplace in 2012 which involves the business actors, workers and the Government.

Question 15

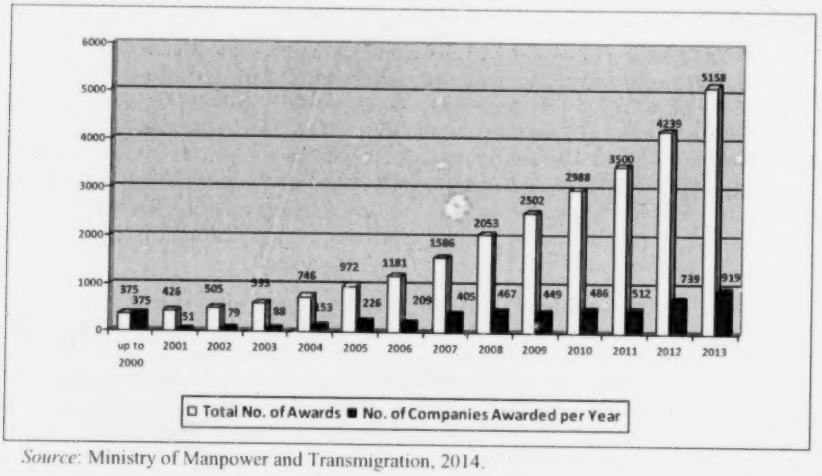
81. Pertaining to measures taken to monitor working conditions, the Government has provided guidance and supervision on the implementation of occupational safety and health conditions as mandated in Law No. 13 of 2003 on Manpower and Law No. 1 of 1970 on Occupational Safety. Furthermore, Government Regulation No. 50 of 2012 on the

Implementation of Occupational Safety and Health Management System has also been enacted. To further monitor and enforce the above legislations, the Ministry of Manpower and Transmigration has enacted Regulation No. 09/Men/VI/2005 on the Submission of the Report on the Conduct of Labour Inspection.

82. For the inspection in gold and coal mining industry, the Government has enacted Regulation No. 19 of 1973 on the Management and Inspection on Occupational Safety in Coal Mines Field. Furthermore, the Minister of Manpower and Transmigration has enacted Regulation No. Per.08/MEN/VII/2010 on Personal Protection Equipment which are applied to all fields of industry, including plantation and fishery. With regard to the monitoring on fishery industry, the Government has also enacted Regulation No. Per 11/Men/VII/2010 on Hours of Work and Rest in Fishery Sector.

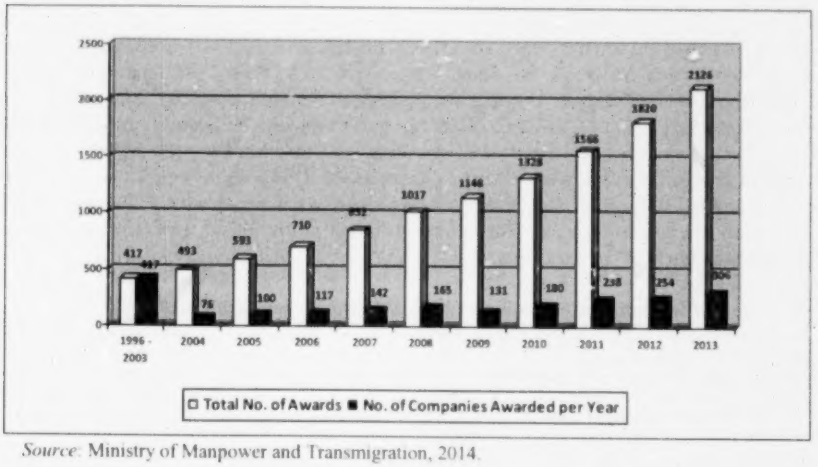
83. The Minister of Manpower and Transmigration has enacted Regulation No. PER-01/MEN/I/2007 on the Guidelines for Occupational Safety and Health (OSH) Awards. These awards include Zero Accident Award, OSH Management System Award, Award for Head of Local Governments in the implementation of OSH, and Individual Award for OSH Champion. By 2013, the Ministry of Manpower and Transmigration has granted Zero Accident Award to 5,158 companies and OSH Management System certificates to 2,126 companies, including the sector of mining industries. In April 2012, the Ministry has conducted a Seminar and Expo on OSH to further promote safe and healthy working conditions.

Zero Accident Awards



Source: Ministry of Manpower and Transmigration, 2014.

Certificates of Safety and Health Work Management System Awards



Source: Ministry of Manpower and Transmigration, 2014.

84. With regard to the Threshold Limit Value (TLV), the Minister of Manpower and Transmigration has enacted Regulation No. PER.13/MEN/X/2011 which aims to protect the labour exposed to physical and chemical hazards as well as to protect the health condition at the workplace. Moreover, the Minister also enacted Decree No. KEP. 187/MEN/1999 on the Hazardous Chemical Substance Control at the Workplace.

85. The TLV used in Indonesia is in accordance with the standard of the World Health Organization (WHO) and other international institutions such as the NIOSH Pocket Guide to Chemical Hazards, the International Chemical Safety Cards (ICSC) and the Registry of Toxic Effects of Chemical Substances (RTECS). In this regard, the Ministry of Health has enacted Decree No. 1405/Menkes/SK/XI/2002 on Health Requirements in the Workplace and TLV which is used as guidelines or recommendations to protect workers from negative impacts of the use of chemical substances in the respective industries.

Question 16

86. Law No. 13 of 2003 on Manpower provides protection to female workers from sexual harassment. In this regard, article 76 of the Law regulates that it is prohibited to employ female workers aged less than 18 years of age between 11 p.m. until 7 a.m. Meanwhile, the employers are obliged to ensure the security and decency/morality in the workplace for female workers who work between 11 p.m. to 7 a.m. The implementation is further regulated in the Minister of Manpower and Transmigration Decree No. KEP-224/MEN/2003. Companies are also obligated to give nutritious food and drink, maintain decency and safety protection in the workplace, as well as provide shuttle transportation for women who work during 11 p.m. to 7 a.m.

87. Furthermore, article 86 of the Law on Manpower regulates that worker/labour has the right to moral and decency protection. In this regard, the Ministry of Manpower and Transmigration in cooperation with ILO has launched Guidelines to Prevent Sexual Harassment in the Workplace. It recommends companies to create regulation regarding complaint mechanisms, to impose sanctions and to provide rehabilitation in addressing sexual harassment cases. Other preventive measures can be taken through communication, education and trainings conducted by the human resource department, bipartite and tripartite cooperation agencies in the workplace. The Ministry of Manpower and

Transmigration has also conducted visits to several APINDO member companies which have established such complaint centres.

88. Employment arrangements, specifically on industrial relations, are regulated in the Company Regulation or in the Joint Work Agreement should the company have a trade/labour union. Based on the Regulation of the Minister of Manpower and Transmigration No. PER.16/MEN/XI/2011, the Company Regulation or Joint Work Agreement must be registered and endorsed by the Ministry of Manpower and Transmigration Offices at provincial and district levels. This process is aimed to ensure that both Company Regulation and Joint Work Agreement are in accordance with the provision related to the protection of worker/labour, including protection of worker/labour against sexual harassment at the workplace.

Number of Company Regulation and Joint Work Agreement 2004-2013

No	*Year*	*Company Regulations*	*Joint Work Agreement*
1	2004	36,340	9,061
2	2005	36,543	9,168
3	2006	37,228	9,291
4	2007	38,654	9,756
5	2008	41,252	10,501
6	2009	41,961	10,619
7	2010	44,149	10,959
8	2011	45,852	11,137
9	2012	47,969	11,435
10	2013	51,895	12,113

Source: The Ministry of Manpower and Transmigration, 2013.

89. The complaint mechanism can be conducted through informal and formal procedures. Every step in addressing sexual harassment case must be conducted in a fair manner and thoroughly, and provide consideration to the information from both parties. If the employee/victim is not satisfied with the mechanism, they can file a complaint through the trade/labour union, manpower agency in the local area, or industrial settlement mechanism institution as the basis to terminate their employment contract.

90. In this regard, the sanctions given can also vary, starting from written warning, reassignment or rotation, limitation of authority, reduction of wage/salary, to temporary dismissal or termination of employment (for severe case of sexual harassment). Perpetrators of sexual harassment are also obligated to take training or counselling service managed by the company.

91. The rehabilitation for the victim/witness is basically given to restore one's personal and work condition. Other additional measures include the provision of giving sick or annual leave as well as additional leave if the victims/witness needs counselling to cure the trauma. Furthermore, the company is obliged to remove stigmatizations against the victims/witness, rehire the victims if they were dismissed unfairly, review regulations which place the victim/witness in a disadvantaged position and provide necessary compensation.

Number of cases of Industrial Dispute Settlement in 2013

No.	*Category*	*Number of Cases*
1	Registered case	2,438
2	Settled case	2,061

Source: The Ministry of Manpower and Transmigration, 2013.

Question 17

92. There has been an increasing public awareness on the need to enhance the protection of domestic workers in Indonesia. This has led to the movement in recognizing domestic workers as professional workers in order to provide them with rights as applied to workers in the formal sector.

93. This movement has been translated into an initiative by the Government and legislative body to elaborate a Bill on Domestic Workers which been included in the national legislation programme since 2004 and have become a priority since 2010. The latest public hearing on the Bill was conducted in 27 February 2013.

94. This development is taking place along with the progress continuously made in the implementation of the Government's policies to create job opportunities and promote job security. Indonesia's Pro-Job policy met progress in reducing unemployment and open-unemployment, as well as increasing job opportunities in both formal and informal sectors.

95. Various elements are to be included in the Bill to protect domestic workers and provide remedy mechanism, including gender, age, hours of work, condition of workplace, wage, social and health security as well as issues of protection against exploitation, either by the employer or work agency.

96. In this regard, the Ministry of Manpower and Transmigration has conducted dissemination process through researches, seminars, and workshops involving Tripartite-Plus parties including the Government, labour union, businessman, academics, and civil society. This process is aimed at receiving inputs from various stakeholders, including domestic workers themselves to discuss the on-going process of the formulation of Bill on Domestic Workers Law and to prepare for the ratification of the ILO Convention No. 189 (2011) concerning decent work for domestic workers.

97. Moreover, in regards to the protection of Indonesian domestic migrant workers, the Ministry of Social Affairs has established Trauma Centres for migrant workers, enacted Regulation No. 22 of 2013 on Repatriation of Migrant Workers dealing with Problems, and established social security programme for domestic workers.

98. The National Action Plan on Human Rights 2009-2014 provides strategies to improve the prevention of domestic violence and the protection and services for women and children which are victims of violence. This includes a series of awareness raising programmes targeted to state apparatus and the public for the improvement of integrated services and advocacy for women and children which are victims of domestic violence.

99. Law No. 23 of 2004 on Domestic Violence has further provided stronger legal basis for the Indonesia's efforts in combating violence against women, including sexual harassment. The Law has been followed-up through various measures, including the Ministerial Regulation of the Minister for Women's Empowerment and Child Protection and the Regulation of Chief of Indonesian National Police, as well as the establishment of the Coordination Network for the Elimination of Domestic Violence.

100. Furthermore, relevant stakeholders have utilized Domestic Violence Law as one of the basis for advocacy in combating violence against women, as it criminalizes the act of

domestic violence and provides protection for the victims. Moreover, the Law provides legal certainty for the public to report the case and bring the perpetrators to justice.

101. In strengthening the state's capacity in addressing the issue of violence against women and children, the Government continues to promote the implementation of the minimum standards on the Integrated Services for Women and Children Victims of Violence which were established in 2010, as a guideline for stakeholders at the national and sub-national levels. The standard was formulated in cooperation with all stakeholders and is used for measuring the Government's performance in providing an integrated service for women and children that are victims of violence. It provide five types of services for the victims, namely complaint handling; health services; social rehabilitation; legal aid and law enforcement; and repatriation and social reintegration. A set of manual for the implementation of this regulation was made available for all related ministries at national and sub national levels, as well as for the law enforcements.

102. The Ministry for Women's Empowerment and Child Protection, together with the Chief of National Police, the Attorney General, the Supreme Court, Komnas Perempuan, the Minister of Law and Human Rights and Association of Indonesian Legal Counsel (Peradi), have also signed an MoU on Access to Justice for Women Victims of Violence.

103. Furthermore, in order to support the effort to protect women from domestic violence, the Government has established 305 Women and Children Service Units in Police Stations and 43 Integrated Crisis Unit in police hospitals in 25 provinces in Indonesia. Moreover, 42 Women Crisis Centres and 147 Integrated Services Centre for Women and Children Empowerment (P2TP2A) have been established in 29 provinces.

104. The Ministry of Health has established the Minimum Services Standard for treatment of victims of violence especially women, which provides minimum health care services in regencies/cities and the inclusion of this service in community health centres (Puskesmas) as well as integrated services centres in hospitals (PPT). To date, there are 870 Puskesmas and 88 PPT which have implemented this programme.

Article 8 – Trade union rights

Question 18

105. The right to strike for public officials is not regulated specifically in Law No. 43 of 1999 and Law No. 5 of 2014 on Civil Service Administration. Therefore, the act of strike of civil servant is not prohibited. There are however a number of legitimate channels used by public civil servants to voice their grievances, including the Administrative Court. There is an example in 2013 where an act of strike carried out by civil servant was not criminalized, namely the strike involving the medical professionals in protest of the imprisonment of their fellow doctors for reported mal-practice.

Question 19

106. In the efforts to guarantee the protection against unfair dismissal, the Government implements ILO Convention No. 98 (1949) concerning the Application of the Principles of the Right to Organise and to Bargain Collectively through Law No. 18 of 1956, and enacted Law No. 2 of 2004 on Industrial Relations Disputes Settlement, as a follow up to Law No. 13 of 2003.

107. Collective negotiating mechanism is further regulated in the Law No. 13 of 2003, which focuses on the bipartite principle in any industrial relations disputes settlements. One of its articles stipulates that the industrial relations disputes settlements regard the principle of bipartite as its priority. If an agreement could not be reached, the dispute will be referred

to mechanism as regulated in the Law No. 2 of 2004, which covers four kinds of disputes: (1) disputes on rights; (2) disputes on interest; (3) disputes on dismissal; and (4) disputes between worker/labour unions in a company. Parties that are involved in settling an industrial relations dispute consists of a mediator, a conciliator, and an arbitrator.

108. To support the above measures, the Government established tripartite and bipartite cooperation institution to empower workers unions to represent workers in collective bargaining. In this regard, the Government implemented Regulation No. 46 of 2008 in lieu of No. 08 of 2005 which regulates the working guidelines and the organization structure of the Tripartite Cooperation Institution.

109. By 2013, 15,376 units of Bipartite Cooperation Institution, 1 unit of Tripartite Cooperation Institution at the national level, 33 units of Tripartite Cooperation Institution at the provincial level, and 307 units of Tripartite Cooperation Institution at the regency/city level have been established.

Number of Bipartite Cooperation Institution

No.	*Year*	*Number*
1	2004	7,866
2	2005	8,756
3	2006	10,431
4	2007	10,822
5	2008	11,687
6	2009	12,115
7	2010	13,246
8	2011	13,912
9	2012	14,339
10	2013	15,376

Source: The Ministry of Manpower and Transmigration, 2013.

Number of Tripartite Cooperation Institution

No.	*Description*	*Units*
1	LKS Tripartite in Provincial Level	33
2	LKS Tripartite in Sub-National Level	307

Source: The Ministry of Manpower and Transmigration, 2013.

Article 9 – The right to social security

Question 20

110. Law No. 40 of 2004 on National Social Security System (NSSS) and Law No. 11 of 2009 on Social Welfare do not provide specific insurance scheme for the unemployed. However, the social protections in the NSSS, such as Health Insurance, Accident Insurance, Old Age Insurance, Pensions, and Life Insurance, can be accessed by all people, including the unemployed. In this regard, as an example, through National Health Insurance programme (previously the Health Insurance for the Poor (Askeskin) and National Health Security Programme (Jamkesmas)), the Government covers health insurance premiums for all the unemployed that are categorized as poor and cannot afford to pay. In 2014, the

Government allocates health insurance premium budget for 86.4 million people that are poor and cannot afford to pay. Meanwhile, according to the Central Statistics Agency (BPS), the number of unemployed in 2013 is 7.39 million people. In addition, the Government also provides sustainable direct assistance under the poverty reduction programmes for all unemployed that are poor.

Question 21

111. The Government has taken steps to ensure the fulfilment of the right to health through Askeskin and Jamkesmas, as referred to in paragraphs 102 to 104 of the initial report (E/C.12/IDN/1). According to Law No. 20 of 2004 on NSSS, Law No. 24 of 2011 on National Health Insurance, Government Regulation No. 101 of 2012 on Beneficiaries of Governmental Subsidy on Health Insurance (Penerima Bantuan Iuran/PBI), Presidential Regulation No. 111 of 2013 in lieu of No. 12 of 2013 on Health Insurance, since 1st of January 2014, the Government has transformed, integrated and expanded Jamkesmas into National Health Insurance as an integral part of the NSSS.

112. Under this new scheme, the National Health Insurance will provide Universal Health Coverage of more than 121.6 million people in 2014, consisting of 86.4 million participants from Jamkesmas as beneficiaries of governmental subsidy on health insurance in which their insurance premium is covered by the Central Government, 11 million participants from Regional Health Security System (Jamkesda) in which their insurance premium is covered by the Local Government, 16 million participants from Civil Servants Health Insurance (Askes), 1.2 million participants from the military/police insurance and 7 million participants from Workers Social Insurance (Jamsostek). Indonesia is targeted to reach universal health coverage by 2019, in which all of Indonesian people (257.5 million people) will be protected by the National Health Insurance.

113. To support this programme, the Government in 2014 has allocated IDR 19.93 trillion for the payment of premium insurance of 86.4 million of beneficiaries of governmental subsidy on health insurance covered in the National Health Insurance. This figure continues to increase every year as indicated in the budget allocation of IDR 6.3 trillion in 2011, IDR 7.38 trillion in 2012, and IDR 8.29 trillion in 2013.

114. With regard to paragraph 103 in the initial report (E/C.12/IDN/1), the Government is currently preparing a scheme of national and regional budget allocation intended for people in prisons, child nursing home and displaced persons without identity in addition to the National Health Insurance budget allocation. In addition, Jamkesmas has been implemented in all 497 regencies/cities. There are 7 provinces that have already reached universal coverage in health system, such as South Sumatra, South Sulawesi, Bali, Aceh, Lampung, Gorontalo, and Jakarta.

Question 22

115. In relation to social protection for informal workers, Law No. 40 of 2004 on National Social Security System (NSSS) and Law No. 11 of 2009 on Social Welfare assured that all people in Indonesia, including informal workers, are covered by all of the social protections in the NSSS. In this regard, informal workers can participate in social protection either by themselves through PT. Jamsostek or through the Government programme targeted for the poor and those who cannot afford to pay the insurance premium.

116. The Government encourages informal workers to obtain social protection through dissemination programmes in cooperation with PT. Jamsostek, the Indonesia Employer Association (APINDO), labour unions, and NGOs. PT. Jamsostek also provides on-line

registration and launch prepaid card membership in which the holders will obtain Safety Insurance and Life Insurance.

117. PT. Jamsostek in cooperation with the local government provides subsidy to pay insurance premium payment for informal sector workers, by way of allocating social assistance budget on their regional annual budget. Currently, there are 6 provinces that have utilized their regional budget for this purpose, such as Nanggroe Aceh Darussalam, Jakarta, West Sumatera, Central Kalimantan, West Sulawesi, and North Maluku province. Meanwhile, PT. Jamsostek has provided subsidiary premium payment for 19,750 informal workers in 12 regencies/cities. The Ministry of Social Affairs, through Social Welfare Insurance (Askesos) programme has also provides social protection for 150,000 informal workers in 2014.

118. In 2013, there were more than 800,000 informal workers that have participated in workers social security programme, a significant increase from the 223,000 informal workers as mentioned in paragraph 67 of the initial report (E/C.12/IDN/1). Now, with the establishment of the National Health Insurance, participants of PT. Jamsostek will automatically become the participants of National Health Insurance. While informal workers that are not participants of Jamsostek and categorized as poor and cannot afford to pay, will automatically become beneficiaries of governmental subsidy on health insurance of the National Health Insurance. In this regard, the numbers of informal workers covered by the National Health Insurance will significantly increase.

Question 23

119. The Government gives special attention to elderly issues based on Law No. 13 of 1998 on the Welfare of Elderly and Government Regulation No. 43 of 2004 on the Implementation of Measures to Improve the Welfare of Elderly which stipulates that the elderly shall be provided with social benefits, such as: mental, spiritual and religious services; health services; employment services; education and training services; access to public facilities and infrastructures; access to legal aid and services; social protection; and social assistance.

120. Law No. 40 of 2004 on NSSS also covers benefit for all the elderly On the basis of this Law, the Government covers social security insurance premiums for all elderly persons that are categorized as poor and cannot afford to pay. As an example, since 1st of January 2014, the Government has included elderly that are categorized as poor and cannot afford to pay insurance premiums in the 86.4 million Beneficiaries of Government Subsidy.

121. Within the framework of poverty alleviation programmes, as already mentioned in paragraphs 149 to 155 of the initial report (E/C.12/IDN/1), the Government provides sustainable social assistance for poor elderly in the form of Rice for the Poor (Raskin) in the amount of 15 kg/month, and Direct Cash Assistance for Community (BLSM) in the amount of IDR 150,000/month distributed to 5.63 million elderly persons.

122. In addition, the Government (the Ministry of Social Affairs) has also provide special assistances for the elderly, among others: food assistance amounting IDR 1.1 million per person for 12,500 elderly persons; Assistance for Elderly programme in the amount of IDR 200 thousand per person for 26,500 elderly persons; homecare programs such as counselling services, social assistances and food parcels in the amount of IDR 25,000/person for 1,800 elderly persons; and day-care programme in the form of religious, health and social counselling for 4,500 elderly persons. Moreover, elderly is also given access to social services through the elderly nursing homes, managed by the Government and private sectors in many parts of Indonesia.

123. To empower the elderly, the Government have provided stimulant in the form of Productive Economic Business (UEP) scheme for elderly who are categorized as

"productive elderly". In 2013, the schemes targeted 3,340 elderly persons who receive IDR 1.5 million per package as their economic stimulant.

124. The Government continues to encourage all citizens to have old-age savings. In 2012, the total number of participants of old-aged savings schemes has reached 23.4 million people, with an average growth of 5.1% annually. Those figures consist of 6.9 million civil servants, 1.16 million members of the military/police and 15.37 million private sector workers.

Article 10 – Protection of the family, mothers and children

Question 24

125. Up to 2013, among the 1.76 million children who are categorized as child labour in Indonesia, 20.7% are trapped in worst forms of labour, in which boys are most likely to be employed compared to girls. However, since most girls are working in informal work and domestic chores, they are more vulnerable to abuse and discrimination. Having ratified ILO Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour and the Convention on the Rights of the Child and the two Optional Protocols thereto, Indonesia adopted several measures and strengthened legal, institutional and coordinating frameworks at the national level.

126. In term of legal framework, the Indonesian Constitution and legislations have provided guarantee of the protection of children from economic exploitation, including worst forms of child labour. Specifically, article 74 (2) of Law No. 13 of 2003 on Manpower regulates that worst forms of child labour include: a) every work in the form of slavery; b) every work that relates to prostitution, pornography or gambling; c) every work that involve children in the production and sale of alcohol, narcotics, psychotropic and other addictive substances; and d) every work that endanger children's health, safety and morale. Moreover, Minister of Manpower and Transmigration Regulation No. 235 of 2003 on Types of Works that Endanger Children's Health, Safety and Morale provide guidelines for all related stakeholders to protect the rights of the child from worst forms of child labour.

127. As Institutional Framework, the National Action Committee on Elimination of Worst Forms of Child Labour which was established in 2001 has the mandate to identify child labour issues in the country, to develop a National Action Plan on the Elimination of the Worst Forms of Child, as well as to carry out monitoring and evaluation of the implementation of the Action Plan in accordance with the applicable regulations. Minister for Home Affairs has issued Regulation No. 6 of 2009 which provides guidelines for the implementation of the Regional Action Committee at the provincial and regency/city level.

128. With regard to coordinating mechanism, national frameworks, such as the National Action Plan on the Elimination of the Worst Forms of Child Labour (2013-2022) as well as National Action Plan on the Prevention and Eradication of Trafficking in Person and Sexual Exploitation against Children (2009-2014) provide coordination of policies among related stakeholders, from central to local levels, through Regional Action Plan and community empowerment to eradicate worst forms of child labour. The National Action Plan on the Elimination of the Worst Forms of Child Labour involves the Ministry of Manpower and Transmigration, Ministry of Home Affairs, Ministry of Education and Culture, Ministry of Social Affairs, Ministry of Health, Ministry of Women's Empowerment and Child Protection, National Police, workers union, employer's association, and civil society organizations (CSOs).

129. In addition, stronger coordination between the Ministry of Manpower and Transmigration and National Police, Attorney General and advocates is also being developed to better enforce the existing legislations.

130. In the framework of implementing the National Action Plan, the participation of children in schools is encouraged as one of the effective ways to reduce the number of child labour. The Government has just recently launched the 12 years free and compulsory education programme to ensure that children stay in school until they are old enough to be legally employed. Moreover, the Government continues to provide scholarships or cash conditional transfer programmes for students from poor families.

131. The Government has also established the Child Labour Reduction Programme which assists child labours to obtain education and/or vocational trainings. During the period of 2008-2013, this programme has managed to reinstate 32,663 child labours to school. In 2014, 15,000 child labours are targeted for this programme.

132. The Government implemented strategies, policies and programmes that offer access to and delivery of social and health services to vulnerable and socially excluded households, hard-to-reach children, and children with special needs. For that purposes, Child Social Welfare Programme and Family Hope Programme have nationally reached 4.7 million children of poor families from 2005-2013. At present, the Government has established partnerships with 89 Child Social Welfare Institutions in 14 provinces.

133. Furthermore, the Government is striving to improve labour market policy. To ensure that companies follow labour norms and regulations, the Government intensifies the work of labour inspectors. By 2015, Indonesia will increase the number of labour inspectors to 3,500 people. Further, the local labour inspectors have been instructed to regularly submit a report to the Ministry of Manpower and Transmigration. It is hopeful that through this system, a stronger synergy and coordination between national and local government could be ensured.

134. From 2002 to 2012, various efforts in addressing child labour have been made by the Government in cooperation with private sectors and CSOs such as policies advocacies, capacity buildings, public awareness campaigns, and development of projects in some areas. These efforts have been a tremendous help in withdrawing children from the worst forms of labour.

Article 11 – The right to an adequate standard of living

Question 25

135. Law No. 24 of 2007 on Disaster Management requires the Government to give priority to the protection of vulnerable groups during emergency response, in the forms of rescue, evacuation, protection, health care, and psychosocial services. Furthermore, such priority has been translated into the National Disaster Response Plans 2010-2014, among others the formulation of specific programs for empowering disadvantaged and vulnerable groups, and other special need groups in disaster relief.

136. In line with this, relevant ministries have also implemented programmes on empowering vulnerable groups in the event of a disaster. An MoU was signed in 2013 between the Ministry of Women's Empowerment and Child Protection and the National Agency on Disaster Management on the Implementation of the Protection of Women and Children in Disaster Relief with the aim to provide: (1) formulation of gender-responsive policies on disaster relief; (2) protection, assistance and the fulfilment of the rights of women and children in the disaster areas; and (3) empowerment of women in disaster management.

137. The Ministry of Women's Empowerment and Child Protection also conducts disaster management and gender responsive trainings for staff members of the Integrated Service Centres of Women and Children (P2TP2A). The trainings are aimed at building the capacity of the Centres with regard to disaster mitigation, response and rehabilitation, as well as providing aid to disaster victims.

138. The Ministry is also in the process of developing guidelines on the protection of children in time of disaster. Meanwhile, the National Agency on Disaster Management is also in the process of formulating a Regulation on Gender Mainstreaming in Disaster Management.

139. The Government provides reproductive health services in emergency situations, including disasters. The health services comprise of provision of reproductive health toolkit and supplies, as well as training modules on Minimum Initial Services Package. The objective of this service is to reduce mortality, diseases, and disability among population affected by crisis, especially women and girls in emergency situations.

140. The National Agency on Disaster Management is currently in the final process of formulating the Regulation on the Handling, Protection and Participation of People with Disabilities in Disaster Management. The Regulation aims to empower persons with disabilities to be actively involved in disaster management decision making process. The draft regulation covers educational and health services; provision of data and information; administrative completeness of residency services as part of their civil rights; provision of access in developing self-reliance; rehabilitation; social assistance; and support the development of talents, skills, and social life, especially for children with disabilities.

141. The Government launched Resilient Village (Desa Tangguh) programme through the Head of National Agency on Disaster Management Regulation No. 1 of 2012 to enhance community resilience as well as preparedness in the face of natural disaster. The Programme also focuses on empowering vulnerable groups, either physical or social, in dealing with disaster. As of February 2014, there are 261 villages classified as Resilient Village out of 1,400 disaster prone villages in Indonesia. This programme is aimed at reducing risks as well as mitigating economic, social, and cultural impact of disasters on affected communities.

142. As a compliment to the programme carried out by the National Agency on Disaster Management, the Ministry of Social Affairs has also launched a national programme on Prepared Village (Kampung Siaga Bencana), a community-based disaster mitigation programme managed by the Ministry. This programme aims to empower communities, especially in disaster-prone regions to improve their capacity in dealing with disaster, including building community-level disaster management infrastructure such as rice barns (lumbung sosial), and substation (gardu sosial) that features local-based responses in disaster as well as the identification of the potential and local resources for disaster relief.

143. Rehabilitation and reconstruction stage are aimed at restoring social, economic and culture life in the community. With regard to housing, priority is given to the rehabilitation and reconstruction of damaged houses inhabited by vulnerable groups. The building is rebuild with earthquake-resistant construction standard and wherever possible, rearranging the layout of the building through participatory planning, spatial plan based on disaster risk reduction approach.

144. In addition, post-disaster reconstruction and rehabilitation in Indonesia adopted the approach of "build back better" which is intended to bring better quality of life, including in the fields of health, education, employment and economic opportunities, housing and environment in the post-disaster development process. Furthermore, Indonesia was among the first countries to have a national guideline on post-disaster damage assessment that

combines recovery needs with loss called the Post Disaster Needs Assessment (PDNA) with the objective to ensure better quality of life after disaster than of pre-disaster.

Question 26

145. In ensuring the availability of affordable food and to safeguard the stability of prices, the Government established the State Logistics Agency (Bulog) in 1967 and the Food Security Agency (BKP) under the Ministry of Agriculture in 2005.

146. Efforts taken by BKP to ensure the availability of food, among others are: stabilizing strategic food prices, conducting needs and stock assessment of strategic food, monitoring the prices and food supply, strengthening the institutions of the Community Food Distribution Body (Lembaga Distribusi Pangan Masyarakat), and developing Community Food Barn (Lumbung Pangan Masyarakat).

147. The President Instruction No. 3 of 2012 on Procurement and Distribution Policy for Paddy and Rice by the Government tasks Bulog to take the following efforts to ensure the availability of food: procure grain/rice through the domestic purchase of grain/rice; implement procurement and distribution policies of subsidized rice for the low-income community groups as well as Government Rice Reserves (Cadangan Beras Pemerintah). These steps are taken in order to maintain the stability of rice prices, to cope with emergencies, disasters and food insecurity, to provide for international humanitarian aid as well as other purposes set out by the Government.

148. As explained in paragraph 170 of the initial report (E/C.12/IDN/1), since 2005 the Government has developed the Government Rice Reserves, in order to fulfil food demand in the event of emergency such as disaster, and to maintain the stability of basic commodity prices including rice in order to ensure their availability for all layers of society. The initial amount of the reserve is 350 thousand tons and is now increased to 700 thousand tons and will be targeted up to 1 million tons in 2014. The benefit of having rice reserves had been tested in various emergency situations such as during the earthquakes in Yogyakarta, West Java, Central Java and West Sumatera; and drought in East Nusa Tenggara and, recently, volcanic eruption in Sinabung (North Sumatra).

149. The largest portion of State Logistics Agency reserve has been used to fulfil the needs of Rice for the Poor programme, which is intended to (i) provide access to poor households to obtain basic necessities at subsidized prices; and (ii) to control rising prices by reducing demand for rice in the market.

150. Other important efforts undertaken by the Government in maintaining price stability are the creation of an efficient and effective distribution network of Shed Receipt System (Sistem Resi Gudang); maximizing traditional markets roles and development of Centre of Regional Distribution in a number of areas.

151. To ensure the availability of basic commodities, a new Law on Trade has recently been enacted in 2014 to enhance the role of the Ministry of Trade in this regard. Chapter IV of the Law mandated the Ministry to manage domestic trade, including by controlling the chain of distribution and availability of supply, and stabilizing the prices of basic commodities in order to maintain the affordability of the products.

Question 27

152. In relation with measures to ensure access to improved sanitation and to eliminate the practice of open defecation, the Government has launched a rural health development policy that aims to achieve the 2014 national health policies goals as well as the MDGs target by 2015 with particular focus in providing sanitation to underdeveloped regions in Indonesia. The rural policy set the availability and functionality of five pillars in the

attainment of a healthy rural area, namely: 1) doctors for every health centre; 2) midwives for every village; 3) clean water for every village; 4) sanitation facilities for each households; and 5) balanced nutrition for pregnant women, nursing women, and infants in underdeveloped regions.

153. To support the policy, the Government has set up a Special Allocation Fund (DAK) in the annual National Income and Expenditure Budget Plan for the improvement of infrastructure, including sanitation and clean drinking water facilities. In 2014, the Government allocated up to IDR 829.26 billion in its annual budget for the improvement of sanitation facilities in 431 regencies/municipalities. In addition, the Government also allocated up to IDR 885.32 billion for the improvement of clean drinking water facilities.

154. The Government has established various programmes in order to improve access to decent sanitation, among others through:

(a) Settlement Sanitation Development Acceleration (PPSP) programme as a way to accelerate the fulfilment of sanitation services through the Regional Sanitation Strategy (SSK). In 2014, 422 regencies/municipalities are expected to adopt such programme;

(b) The establishment of Regional Sanitation Care Alliance (AKKOPSI) in 224 regencies/municipalities;

(c) Community Based Total Sanitation (STBM) programme that has reached 78% (15,603 of 20,000 villages);

(d) Infrastructure Enhancement Grant in Sanitation allocation in the annual national budget to encourage local governments to invest in sanitation facilities;

(e) Drinking Water Supply and Community Based Sanitation (PAMSIMAS) programme, to improve the quality of life of low income population by reducing clean water expenditure for the poor, from IDR 58,000/month to IDR 25,000/month;

(f) Community Based Sanitation (SANIMAS) programme which has built 5,000 communal sanitation facilities.

155. In order to enhance efforts to eliminate the practice of open defecation, the Government (the Ministry of Health) since 2004 also has initiated the Stop Open Defecation (SBAB) programme. Up to 2013, the programme has been implemented in 16,282 of 70,000 villages in Indonesia (23.26%), in which all of the people in the villages have access to proper facilities.

156. In addition to the programmes mentioned above, some related ministries have also conducted several community sanitation improvement programmes that can indirectly eliminate the practice of open defecation, including the Ministry of Public Works programme in the improvement condition of slum areas and provision of mobile sanitation units; the Ministry of Social Affairs in the form of Social Rehabilitation Programme for Inadequate Houses and improvement of environment facilities; the Ministry of Public Housing programme on settlement and housing improvement programme as well as establishment of communal sanitation facilities; and the Ministry for the Development of Disadvantaged Regions programme on quality health stimulant for the underdeveloped regions.

157. According to data from the BPS, the percentage of households in rural areas that have access to adequate sanitation has continuously increased from 71.5% in 2010 to 74.63% in 2012.

Percentage of Households in Rural Areas with Access to Adequate Sanitation (%)

Types of Sanitation Facilities	*2010*	*2011*	*2012*	*Alteration*
Private	55.17%	56.12%	58.72%	+3.55%
Shared	12.12%	11.97%	11.73%	-0.39%
Public	4.21%	4.38%	4.19%	-0.02%
Total	**71.5%**	**72.47%**	**74.63%**	**+3.13%**
Do Not Have Facilities	28.5%	27.53%	25.37%	-3.13%

Source: Central Statistics Agency (BPS), 2013.

Article 12 – The right to physical and mental health

Question 28

158. Improving people's access to reproductive health services, including maternal health services and family planning programme, continues to be one of the top priorities of the Government. There has been progress in this area, although challenges remain in realizing the MDG-4 and MDG-5 in time. The Government has taken a wide range of necessary measures to address this issue, such as reducing maternal and child mortality rates through Universal Delivery Care (Jampersal). Jampersal targeted a sizeable portion of poor community members who have not obtained health insurance and estimated to have covered around 2.9 million deliveries out of 4.6 million deliveries each year since its launch in 2011. Jampersal covers services such as financing of antenatal services, delivery assistance by health personnel, and postpartum services, including maternal care of newborns, postpartum family planning services, as well as exclusive breastfeeding counselling.

159. The Government has also improved facility-based outreach service by increasing the quality and number of community health centres; implementing Basic Emergency Obstetrics Neonatal Care (PONED) at community health centres and Comprehensive Emergency Obstetrics Neonatal Care (PONEK) at general hospitals. Up to 2010, the numbers of local health service centres that have implemented PONEK are 1,580 units. Meanwhile, the percentage of hospitals in the regency/city level that have delivered PONEK has increased from 87.6% in 2012 to 94.8% in March 2013.

160. At the sub-national level, the commitments to reduce maternal and child mortality have been translated into a wide range of action tailored to the needs of the regions concerned. Capacity building, provision of appropriate facilities, distribution of skilled birth attendants, and community involvement are amongst the main programmes. The effort to improve access and quality of health services started in 2006 is expected to reach 80% of villages in Indonesia by 2015, as mandated in the Minister of Health Regulation No. 741/Menkes/PER/VII/2008 and Ministerial Decree No. 828/ Menkes/SK/IX/2008.

161. One concrete example is the implementation of Programme on Birth Preparedness and Complication Readiness since 2007. Facilitated by midwives in villages and rural areas, this programme is aimed at enhancing the husband, family, and community's role in preparing a safe delivery for pregnant women, including by preventing complications during delivery which can be fatal to both mother and baby.

162. The Government has also increased health personnel capabilities, both in quantity and quality. The distributions of general practitioners, specialists, midwives, and paramedics, particularly to meet the needs of health workers in remote areas, border and remote islands, have increased through, inter-alia, pre-service and in-services training for

strategic health personnel, and implementation of programme on the deployment of contract-based health personnel. Partnership programme with traditional birth attendant has been conducted as well in order to enhance their capacities. At present, there are 67,688 midwives and 106,983 traditional birth attendants. In addition the Government has also built 597 delivery waiting houses in remote areas.

163. Continuous efforts by the Government to expand access and services for pregnant mothers have resulted in moderate progress, such as: the coverage of delivery assistance by medical workers that is steadily increasing from 81.3% in 2011 to 83.4% in 2012, delivery in medical facilities that is improving from 55.4% in 2010 to 63.2% in 2012, as well as neo-natal coverage that is increasing from 87.3% in 2011 to 92.3% in 2012.

164. Indonesia consistently takes measures in ensuring the fulfilment of the right of women and girl to reproductive health, including the improvement of access to public health services and of skills of health personnel and related stakeholders. Moreover, cross-sectoral coordination and good governance is consistently improved, and information, monitoring as well as evaluation systems are strengthened.

165. The enactment of Law No. 36 of 2009 on Health is part of the Government's effort to fulfil the right for reproductive health for all, as stipulated in article 72. Although this Law has no specific provision regarding reproductive health for unmarried and adolescent, articles 136 and 137 clearly guarantee the rights for all adolescents to obtain education, information and services on health, including in this regard, reproductive health. Furthermore, various information on family planning and reproductive health, including on contraception, is available and accessible for all.

166. Regardless, reproductive health issues among adolescents and youth remains complex. Following the Cairo commitment, Indonesia launched a Reproductive Health National Strategy, which introduced the concept of Integrated Essential Reproductive Health that includes adolescent's reproductive health as one of its elements.

167. Beginning in 2000, the Government took over and expanded the Adolescents Reproductive Health programme, turning it into a national programme. It is designed to prepare adolescents and youth to engage in more responsible reproductive health behaviour. This programme is actively supported by many civil society entities, among them are religious and community leaders.

168. The Government integrates "Adolescents Friendly Health Service" programme into reproductive health programmes and other programmes related to children and adolescents, in order to provide comprehensive services for adolescents, including when they experienced pregnancy, sexual violence, or contracted with sexually transmitted diseases. In the sub-national level, the Ministry of Health has designated an indicator that each regency/city has a minimum of 4 Community Health Centres that are able to implement this programme. The coverage of regency/city which fulfils this indicator increases each year. To improve its quality, the Government developed National Standard on Adolescents Friendly Health Service in order to ensure that the implementation is measurable and sustainable. By 2012, there are 3,191 "Adolescents Friendly Health Service" in Community Health Centres in 386 regencies/cities.

169. One of the innovative strategies to promote reproductive health and responsible behaviour among adolescent, initiated by youth organizations with the support of government is peer counselling. This strategy has been conducted within the setting of youth organizations, local communities, and is also replicated for children of school age and adolescents through the School Health Unit and Adolescents Friendly Health Service in the Community Health Centres.

170. In schools, "Adolescents Friendly Health Service" programme focused on advocacy and preventive measures such as: counselling, life skills trainings, and peer counselling with the objective of preventing sexual relationship before marriage and delaying marriage age for adolescents. An audio visual counselling technique for adolescents is also formulated to improve counselling skills.

171. Furthermore, health education for children of school age and adolescents is conducted through the integration of reproductive health issues within relevant school curriculum, extra-curricular activities, as well as education courses and trainings for teachers and health cadres in schools. The Ministry of Health is currently formulating a module on reproductive health for adolescents as guidance for teachers in delivering reproductive health subjects to their students.

172. Since 2000 the government has established a Centre of Information and Counselling for Adolescents and University Students targeted for those between the ages of 10-24 years old. In 2013, the number of the centres has reached 18,900 units and estimated to increase to 45,692 units in 2017.

173. National Population and Family Planning Agency launched a website called Cerita Remaja Indonesia (Indonesia Adolescents Story/CERIA) (see http://ceria.bkkbn.go.id/). CERIA is a consultation forum which allows teenagers to discuss and ask questions on reproductive and sexual health as well as treatment for drug dependence.

174. In 2005, the Ministry of Education and Culture launched an interactive module on information regarding Reproductive and Sexual Health for Adolescents called Dunia Remajaku Seru! (My Fun Adolescent World!/DAKU!). The module is distributed in CD format to schools in provinces and regencies/cities. A similar module called Sumber Edukasi Masa Remajaku (My Adolescent Education Information/SERU!) was also created for children in Detention Centre and launched by the Ministry of Law and Human Rights. The launch of these modules was also in cooperation with Jakarta AIDS Committee, National Population and Family Planning Agency, religious leaders and other local NGOs. DAKU! targets students aged 15-17 years old, and its interaction format allow both teachers and students to review and discuss the issue on reproductive and sexual health.

175. As the next step, the Government is currently drafting the Government Regulation on Reproductive Health, which includes provisions on reproductive health for adolescents, as well as finalizing the Guidance on Reproductive Health for Adolescents with vision and hearing impairment.

176. In addition, a comprehensive sex education combined with life skills training are being provided by relevant NGOs. In certain cases, after meeting specific rigorous requirements, it may include providing contraception and menstrual regulation services to those in need.

177. Nowadays, access to family planning service and contraception is even available for free for women in Aceh, Papua, Maluku, North Maluku, West Papua, and East Nusa Tenggara. Reproductive health education has also been developed as one of the subject taught in schools through the locally developed curricula in West Java, South Sumatra, West Nusa Tenggara, East Nusa Tenggara and West Kalimantan.

Question 29

178. In the effort to ensure access to medicines and adequate mental health care, the Government has taken various policies and programmes, among others by providing medical care and mental health care in 33 mental hospitals equipped with 600 medical personnel in 23 regencies/cities that are able to serve 38,260 people per year. There are also more than 40 mental hospitals or clinics that are owned by the private sector.

179. In 2014, the Government has launched capacity building programme, targeting 3,000 health centres and 510 general hospitals across Indonesia to provide basic mental health services. To support this programme, many local governments have made community-based mental health services as a priority programme in the development of health centres and hospitals in their areas. Mental health services have been covered in the new National Health Insurance so that people who experience mental health problems can gain adequate access for their treatment. The Government also allocates IDR 400 million, in the form of social assistance scheme, to cover health services charges for poor and displaced people with mental problems.

180. To facilitate community access to mental health, the Government in collaboration with the private sector, have launched Mobile Mental Health Service Units equipped with doctors, nurses, psychologists, and counsellors. These service units will conduct outreach activities, including home visits; early detection and action; mental health education, as well as monitoring problems such as social relationships, domestic violence, psychosocial problems and drug abuse.

181. The Government also has established the Community Mental Health Nursing for community mental health treatment in post-disaster areas. This programme has been successfully conducted in Padang, Aceh and Bantul. Currently, the programme is being carried out in 17 provinces through training for 8 to 9 people from each province.

182. The Government has provided social rehabilitation services for persons with mental problems, by developing pilot projects in Sukabumi, Bengkulu and Banjarbaru. Moreover, the Social Services Information Unit for mental health cares has also been developed in Sukabumi and Jakarta.

183. To optimize the treatment for mental health, Law No. 3 of 1966 on Mental Health is currently being revised to ensure that all persons with mental health problems are able to obtain adequate health care, legal and social protection. The Mental Health Bill is currently under discussion in the Parliament.

Question 30

184. The Government has implemented rights-based approach on drug policies, particularly with respect to policies relating to public access to affordable and quality medicines. The Government has implemented policy of generic drugs with the aim to maximize people's access to medicines. Moreover, in 2007 the Government has also launched Public, Cheap and Qualified Drugs Programme. Both programmes are intended to ensure the availability, equity and affordability of medicines for the whole community.

185. Public access to medicines was further enhanced by the presence of Jamkesmas programme for the poor since 2008 and integrated since 1st of January 2014 into the National Health Insurance. Under this scheme, all participants of National Health Insurance, regardless of their economic background will obtain health insurance and medicines.

186. In order to ensure the availability of affordable and quality drugs within the framework of the National Health Insurance, the Government has established a National Committee to set national formulary as guidance for drug usage in the National Health Insurance. The Government also created regulations, developed information systems and prevent monopoly practices on drugs.

187. The Government also conducted National Immunization Programme to provide free basic immunization for infants and young children which covered six vaccine-preventable diseases – tuberculosis, diphtheria, whooping cough, tetanus, polio, and measles – and is crucial in reducing infant and child mortality. According to data from National Socio-

Economic Survey in 2012, the total percentage of under five children who have received immunization (at least once of any vaccine type) was around 95.10%, with no significant difference between boys (95.04%) and girls (95.16%) in receiving immunization. However, only around 70.12% under five children who have received complete immunization package. Based on the type of vaccine received by children, immunization for TB (BCG), Diphtheria (DPT), and Polio was relatively high, more than 90%, as compared to measles at 78.02%. Meanwhile, the total coverage of immunization in rural areas has reached 93.46%.

Articles 13 and 14 – The right to education

Question 31

188. The Government uses two indicators to measure the impact of improving access and quality of education in rural and disadvantaged areas, namely the literacy rates and average length of school. Based on the statistical data of BPS, the two indicators have increased in numbers which shows improvement. The literacy rate in rural areas increased from 89.68 in 2010 to 89.99 in 2012. Meanwhile, according to the data of Ministry for the Development of Disadvantaged Regions, the literacy rate in 183 underdeveloped regions reached 86.47 in 2010 and increased to 86.80 in 2012.

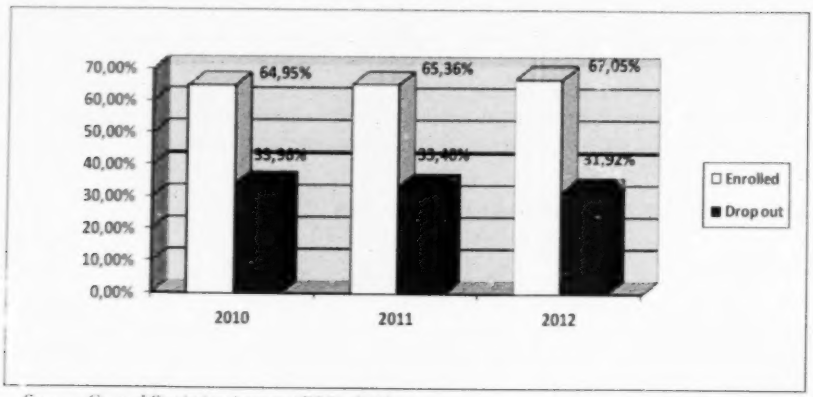
Percentage of literate people aged 15 years and over by age group and urban-rural classification 2011-2012

Age Group	*Urban*			*Rural*			*Urban and Rural*		
	2010	*2011*	*2012*	*2010*	*2011*	*2012*	*2010*	*2011*	*2012*
15–19	99.86	99.55	99.75	99.23	98.27	98.82	99.56	98.94	99.30
20–24	99.82	99.45	99.60	98.92	97.72	97.97	99.42	98.61	98.85
25–29	99.56	99.54	99.57	97.77	97.25	97.78	98.73	98.39	98.71
30–34	99.42	99.33	99.38	97.15	96.80	96.78	98.35	98.09	98.14
35–39	99.06	98.86	99.00	95.98	95.23	95.61	97.55	97.05	97.36
40–44	98.11	97.40	97.82	93.16	91.33	92.44	95.69	94.43	95.16
45–49	94.98	94.97	96.42	87.36	86.52	89.58	91.13	90.68	93.01
50+	85.88	85.35	86.24	72.25	72.36	72.68	78.46	78.80	79.16
Total	**96.07**	**95.68**	**96.10**	**89.68**	**89.89**	**89.99**	**92.91**	**92.81**	**93.10**
15–24	99.84	99.50	99.68	99.09	98.00	98.41	99.49	98.78	99.08
15–44	99.35	99.08	99.23	97.12	96.27	96.65	98.29	97.70	97.99
15+	96.07	95.68	96.10	89.68	89.89	89.99	92.91	92.81	93.10
45+	88.39	88.01	89.08	75.97	76.33	77.07	81.75	82.11	82.89

Source: Central Statistics Agency (BPS), 2013.

189. Meanwhile, according to the data of the Ministry for the Development of Disadvantaged Regions, the length of school in 183 underdeveloped regions increased from 6.81 years in 2010 to 6.97 years in 2012. According to data from BPS, there has been an increase in School Enrolment Percentage for 7-24 years age groups during the period of 2010 – 2012, as follows:

School Enrolment Percentage, Age 7-24, 2010-2012



Source: Central Statistics Agency (BPS), 2013.

190. Successful implementation of the programmes is also shown through a decline in school enrolment gaps between groups of economic status, which is reflected in School Enrolment Number (APS) for school-age population. The school enrolment number population aged 13-15 years in the poorest quintile increased from 72.2% in 2009 to 77.9% in 2011. Improved school enrolment number occurs in all age groups in the poorest quintile, therefore the percentage difference between the poorest school enrolment number and most affluent in the 13-15 age group in the 2009-2011 period have decreased from 22.8% to 17.1%, and in the age group 16-18 years has decreased from 41.6% to 36.4%.

Article 15 – Cultural rights

Question 32

191. As mentioned in paragraph 273 of the initial report (E/C.12/IDN/1), based on Law No. 11 of 2010 on Cultural Heritage and the Law No. 5 of 1992 on Cultural Objects, the Government is mandated to preserve cultural heritage. In this regard, Indonesia has preserved 8,863 cultural sites and objects of cultural heritage, as well as the 146 cultural conservation areas, including cultural heritage and languages of ethnic groups and Masyarakat Hukum Adat.

192. In order to create favourable conditions for the people to preserve, develop, express and disseminate identity, history, culture, language, traditions and customs, the Government has issued the following guidelines:

(a) Minister of Home Affairs Regulation No. 52 of 2007 on Guidelines for Preservation and Development of *Adat* Customs and Socio-cultural Values of Society;

(b) Minister of Home Affairs Regulation No. 39 of 2007 on Guidelines for Facilitating Social Organization of Culture, the Palace, and the Preservation of *Masyarakat Hukum Adat*;

(c) Law No. 6 of 2014 on the Village which recognizes the existence of *Masyarakat Hukum Adat* and regulates the establishment of traditional village or *Adat* Village.

193. The Government has developed several cultural preservation sites such as Taman Mini Indonesia Indah (Indonesia Miniature Park) since 1975. In addition, many local governments at the provincial and regency/city level have established cultural houses as

centres to develop their local cultures. Local governments also hold a regular programme of cultural festival, among others: Lembah Baliem Festival (Papua Province), Jailolo Festival (North Maluku Province), Pasola Festival (East Nusa Tenggara Province), Raja Ampat Festival and Travel Mart (West Papua Province); Five Mountain Festival (Central Java Province); Krakatau Festival (South Sumatra Province). Jember Fashion Carnaval (East Java Province), Lake Sentani Festival (Papua Province), Kasada Bromo Festival (East Java); Bali Art Festival (Bali Province); Bau Nyale Festival (West Nusa Tenggara Province); Tabot Festival (South West Sumatra); Dieng Culture Festival (Central Java Festival); Teluk Ambon Festival (Maluku Province); Batur Lake Festival (Bali Province); Legu Gam Moloku Kieraha Festival (Maluku Province); Jakarta Food and Fashion Festival (Jakarta Province); Solo Batik Carnaval and International Solo Ethnic Music Festival (Central Java Province); Gerebeg Mulud Yogyakarta (Yogjakarta Province; Rambu Solo Festival (South Sulawesi Province), and many more.

194. Furthermore, as part of the efforts to protect cultural heritage of Masyarakat Hukum Adat in remote areas (KAT), the Ministry of Social Affairs has established the KAT Information Centre in 2003, which serves as artefacts centre; KAT Film Centre; KAT Ethnographic Book Centre; KAT Diffusion Data Centre; and Workshop and Seminar Event Centre. Some ministries have also programmes related the preservation and development of Masyarakat Hukum Adat, such as Minister of Public Housing Regulation on Development of Housing in Cultural Heritage Areas; and Minister of Public Works Regulation on National Strategic Areas.

Question 33

195. In the effort to increase measures to preserve linguistic heritage and diversity, the Minister of Home Affairs issued Regulation No. 40 of 2007 on Guidelines for Head of Local Government on Preservation and Development of National Language and Local Languages. Law No. 24 of 2009 on Flag, Language, the State Emblem and Anthem further mandated the Government, to develop, preserve and protect Indonesia's national language and local languages.

196. Many local governments have formulated local regulations and policies which encourage the use of local languages in both official and informal communication during work in the local government offices. For example, since 2010, the Surakarta Regency has announced mandatory use of Javanese language in the regency government office every Friday. Likewise, Bandung City has also implemented similar practice with the implementation of "Sundanese Speaking Day" every Wednesday since 2012, where it requires the use of Sundanese language in all activities in the city government offices and schools.

197. In addition, the local government also encourages public schools to teach local language to students as compulsory local subject content. The Minister of Education and Culture issued Regulation No. 81/A of 2013, that mandates all elementary schools to include local language in the new 2014 curriculum. The Regulation also allows the use of local language as an instruction language for grades 1 to 4 in elementary schools.

198. Moreover, the Government has also made efforts to conserve and provide documentations of local languages through research and interviews with remaining native speakers. The conservation and revitalization efforts are developed on the basis of these studies.

199. As a follow-up to the study conducted by the Language Development Agency under the Ministry of Education and Culture in 2008, the Government has published a "Local Languages Map of Indonesia" containing data of all recognized local languages, including those that are still widely used, those that are endangered as well as languages that are

extinct or no longer used by the society. The language map publication is expected to be used as a guidance and reference for both the central and local governments in the preservation of endangered local languages.

200. To ensure the preservation of the endangered local languages, the Language Development Agency has taken steps, among others:

(a) Documenting the language system by making analysis on the structure of the language, for example by documenting the structure of phonology, morphology, syntax, grammar, and the dictionary. The Government has also been actively compiling Indonesian local language dictionaries. There are at least dictionaries of 71 local languages which have been published, among others: Acehnese; Biaknese; Gorontalonese; Mandarese; and Sasaknese;

(b) Inclusion of local languages in school curriculums. In doing so, steps are taken to standardize the language, grammar, formulate dictionaries, develop teaching materials, and training of teachers;

(c) Revitalizing activities to encourage communities to speak their native language such as holding competitions in storytelling, speech, and poetry reading;

(d) Researching and Analyzing extinct language and their systems;

(e) Compiling dictionaries of endangered local languages since 2013 and is expected to be completed by 2015. It is worth mentioning that not only the central government, but also local governments have compiled endangered local languages, such as Jambi Provincial Government which compiled *Anak Dalam* or *Kubu* Tribe Dictionary.

201. In the effort to support heritage preservation of linguistic diversity, the Government has incorporated tribal identification code and language code in the Population Census to measure the level of extinction of a local language that can be used to set conservation policy priorities. One example is the results of the Population Census of 2010, which has identified 1,300 tribal codes and 1,000 language codes and later used as data research and compilation for the "Local Languages Map of Indonesia". This ethnic and language codes will be updated every 5 years in the Population Census, which will be conducted in the coming year of 2015.